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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 WILLIAM J. WHITSITT,

14 Plaintiff.

15 v.

16 DEPUTY SHERIFF WHEATFALL, BADGE
 17 #429; DEPUTY SHERIFF A. GARTH, BADGE
 18 # 1340; UNNAMED POLICE OFFICER;
 19 CENTRAL TOWING & TRANSPORT; COUNTY
 20 OF ALAMEDA, SHERIFF'S DEPARTMENT;
 21 CITY OF DUBLIN POLICE SERVICES;
 22 UNNAMED DEFENDANTS

23 Defendant.

24 Case No.: C08-02139 JSW

25 DEFENDANT COUNTY OF ALAMEDA'S
 26 RE- NOTICE OF MOTION TO DISMISS
 27 PURSUANT TO FRCP 12(b)(6), OR
 28 ALTERNATIVELY, MOTION FOR A
 29 MORE DEFINITE STATEMENT AND
 30 MOTION TO STRIKE

31 Date: August 29, 2008
 32 Time: 9:00 am
 33 Courtroom: 2

34 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

35 PLEASE TAKE NOTICE THAT on August 29, 2008 at 9:00am, in Courtroom 2, 17th
 36 Floor of the United States District Court at 450 Golden Gate Avenue, San Francisco, CA,
 37 Defendants COUNTY OF ALAMEDA, SGT. WHEATFALL # 429, SGT. A. GARTH, #1340,
 38 ALAMEDA COUNTY SHERIFF'S OFFICE, and CITY OF DUBLIN POLICE SERVICES,
 39 (hereinafter "County Defendants") will and hereby do move the Court for an order granting
 40 dismissal of the Complaint pursuant to Federal Rule of Civil Procedure("FRCP") 12(b)(6), or

1 alternatively, requiring a more definite statement pursuant to FRCP 12(e) and motion to strike
2 pursuant to FRCP12(f).

3 This motion is made on the grounds that Plaintiff's Complaint lacks sufficient factual
4 allegations to support a claim for relief against the County Defendants under 42 U.S.C § 1983;
5 is vague, ambiguous, redundant, immaterial and unintelligible; and for all the reasons set forth
6 in the Memorandum of Points and Authorities accompanying the motion.

7 This Motion will is based on this Notice, the attached Memorandum of Points and
8 Authorities, Request for Judicial Notice, and the papers and records on file herein, and on such
9 oral and documentary evidence as may be presented at the hearing of the motion.
10

11 DATED: *July 23, 2008*
12

RICHARD E. WINNIE
County Counsel in and for the County of
Alameda, State of California

13 By *Diane C. Graydon*
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15 DIANE C. GRAYDON
16 Deputy County Counsel
Attorneys for County Defendants
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1 DECLARATION OF SERVICE
2

3 William J. Whitsitt v. Sgt. Wheatfall, et al.
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5 Case No. C08-02139-JSW
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7 I, Jonna Thomas, declare that:
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9 I am a citizen of the United States, over the age of 18 years and not a party to the within
10 entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221
11 Oak Street, Suite 450, Oakland, California 94612-4296.
12

13 On July 23, 2008, I served the following documents:
14

- 15 1. DEFENDANT COUNTY OF ALAMEDA'S RE- NOTICE OF MOTION
16 TO DISMISS PURSUANT TO FRCP 12(b)(6), OR ALTERNATIVELY,
17 MOTION FOR A MORE DEFINITE STATEMENT AND MOTION TO
18 STRIKE
19

20 on the following parties:
21

22 William J. Whitsitt
23 335 W. Clover Road
24 Tracy, CA 95376
25

- 26 [x] BY MAIL: I caused true and correct copies of the above document(s) to be placed and
27 sealed in an envelope (or envelopes) addressed to the addressee(s) with postage
28 thereon fully prepaid, and I further caused said envelope(s) to be placed in the United
States mail, in the City of Oakland, California.
1. BY FACSIMILE: I caused a copy (or copies) of such document(s) to be sent via facsimile
transmission to the office(s) of the addressee(s).
2. BY PERSONAL SERVICE: I caused true and correct copy (or copies) of the above
document(s) to be placed and sealed in an envelope (or envelopes) addressed to the
addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of
the addressee(s).

1. I declare under penalty of perjury that the foregoing is true and correct and that this
declaration was executed at Oakland, California on July 23, 2008.

2. 
3 JONNA M. THOMAS
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